WHO IS MUHAMMAD BURTON?

Muhammad Burton (state name Fred Burton) is one of the "Philly Five," a group of men accused of an alleged attack on a police station that left one cop dead. He was sentenced to a life term for murder. Burton has maintained his innocence since his arrest.

BACKGROUND

In 1970, Burton was twenty-five years old, living in his hometown of Philadelphia and working for the phone company. He and his wife were preparing to have twins, his third and fourth child.

At the time, Philadelphia was witnessing the rising tide of Black activism and militancy. Sit-ins at local colleges and high schools called for Black faculty and Black studies programs. Additional campaigns focused on control of the Philadelphia public school, resulting in actions against the Philadelphia Board of Education. One action on November 17, 1967, resulted in an attack by the nightstick-wielding Philadelphia police. Police raided homes of Black Power activists and offices of organizations.

In 1968, the Black Panther Party (BPP) opened a chapter in Philadelphia and within a few months, the organization grew to the point that the Party needed to open a second office. The chapter sponsored free clothing, grocery, and breakfast programs, a community protection patrol to combat violence and police brutality, a free health clinic, and political education classes.

It was during this period when Burton joined a Philadelphia-based organization, the Black Unity Council, a small revolutionary group that organized around Black Power politics and opposition to police brutality. The group often met at the BPP offices and would eventually merge with the Party.

By the time Burton joined the ranks of the BPP, the US government's war against on the organization was in full force. The FBI's COINTELPRO operation fostered internal conflicts within the ranks of the BPP as well as friction with other organizations. Members across the country were facing charges on trumped-up cases and several members, such as Fred Hampton, were assassinated by police agencies in various cities throughout the United States. The open warfare by the State against the BPP lead many members to engage in offensive campaigns. This would eventually lead to the formation of the Black Liberation Army.

On August 29, 1970, a coordinated attack was orchestrated against a Philadelphia Police Department's Cobb Creek Guardhouse. During the incident, one cop was injured, and another was killed. Hugh Williams was arrested at the scene, a short distance from a handgun and a grenade. Williams was brought into the police station where he was chained to floor and repeatedly beaten until he wrote a confession. His pregnant wife, Marie Williams, was brought in and interrogated for 19 hours as she heard her husband being tortured in a nearby room.

Under duress and police pressure, she told police that her husband and five other men, all members of the Black Unity Council, met regularly in her basement. She stated that the meetings were initially peaceful discussions of community issues but became more violent in content. Sometime about a week before the shootings of the police officers, the men talked about killing police by blowing up a police station "to get pressure off the Blacks."

Two others, Robert and Alvin Joyner, were arrested the following day. Burton surrendered a month later after he was reportedly wanted by the police for the attack. Russell Maroon Shoatz was captured in January of 1972. A sixth man, Richard Thomas, remained underground until March of 1996. He was later tried for the incident but was acquitted of the charges.

Throughout 1972, the five men who were currently in custody and charged for the incident–known at the time as the "Philly Five," were tried and convicted for the killing of the police officer at Cobb's Creek. All were sentenced to life imprisonment.

Burton's trial was the final one to take place. The District Attorney admitted that the case against him was weak. The only evidence against Burton was the testimony of Marie Williams, the wife of Hugh Williams. After being compelled by order of the court to testify, she stated that on one occasion, Burton was present during a meeting in her basement when she heard someone say, "Let's off some pigs." She did not accuse Burton of making those comments and had no additional knowledge of the content of the meeting.

The Commonwealth intentionally struck every African American from the active jury. The all-white jury unanimously convicted Burton.

1973 Attack on the Warden

Upon being sentenced to prison in 1972, Burton was automatically a target for the prison guards due to the racially charged atmosphere and the nature of the conviction. He was sent to Holmesburg prison where conditions in the prison were severe. From 1951 until 1974 inmates were used as test subjects for medical experiments. The prison had been a scene of recent rioting due to overcrowding and conditions. While the prisoner population was estimated at 1,200, the prison itself was built to hold no more than 700 inmates.

On May 31, 1973, Burton and another Black Liberation Army member, Joe-Joe Bowen, requested a meeting with the warden regarding concerns of Muslim prisoners needing more time

for prayer. The request regarding the recognition for the religious practices for Muslim prisoners fell on deaf ears and the warden denied the request.

According to court testimony by Bowen, during the meeting, the warden placed two make-shift knives on his desk and threatened to charge the men with possession of the knives. In response to the threat of trumped-up charges, the warden was attacked and killed. The deputy warden was also killed when he attempted to interfere with the attack. A guard was injured when he and other guards rushed in. Bowen received a ruptured spleen, a broken arm, and possible concussion during the attack. Burton was also attacked by the guards and received head injuries, multiple bruises, cuts, and an arm fracture during the attack by the guards.

Investigations claimed that the attack was premeditated and the meeting regarding having more time for prayer was nothing more than a ruse. The investigation further claimed that the warden was targeted because his policies alienated Black Muslims and that he "said 'no' to the Muslims once too often."

In June of 1976, Burton was tried for the attack. Bowen, who was tried separately and found guilty of both killings and the assault of the prison guard, testified on behalf of Burton. He claimed in his testimony that it was he who had attacked the two prison officials and that Burton was an innocent bystander. The prosecutor, however, attempted to discredit Bowen by questioning him about crimes for which he was never found guilty. The jury found Burton guilty of one count of murder of the second degree, which carried a 10-to-20-year sentence.

Since the 1973 incident, Burton was kept in solitary confinement. In 1978 a judge ruled that Burton's long stay in solitary confinement was "unconstitutional" because it was cruel and unusual punishment and ordered that he be returned to general population. Around 1996, Burton was again placed in solitary confinement for refusing to cut his hair. He remained in solitary confinement until his layer sued in 2002 to have him released to general population.

Of the fifty or so years that Burton has been in prison, thirty-three years have been in a maximum-security facility, with a significant portion being in solitary confinement. These conditions have caused detrimental harm to Burton's physical and mental health.

Burton has maintained his innocence in the killing of the officer at Cobb's Creek in 1970 and the subsequent attack on the warden and deputy warden in 1973.

Mail Regulations

In 2018, the Pennsylvania Department of Corrections instituted a restrictive mail policy where all mail to prisoners must be sent through a mail processing facility in Florida where all correspondence is scanned, copied and then the copy is mailed to the prisoner. There is an active campaign to get Governor Wolf to repeal the restrictive policy.

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